

110TH CONGRESS
1ST SESSION

S. 1938

To provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. REED introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Flood Map-
5 ping Act of 2007”.

6 **SEC. 2. TECHNICAL MAPPING ADVISORY COUNCIL.**

7 (a) ESTABLISHMENT.—There is established a council
8 to be known as the Technical Mapping Advisory Council
9 (in this section referred to as the “Council”).

10 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Council shall consist of
2 the Administrator of the Federal Emergency Man-
3 agement Agency (in this Act referred to as the “Ad-
4 ministrator”), or the designee thereof, and 14 addi-
5 tional members to be appointed by the Adminis-
6 trator or the designee of the Administrator, who
7 shall be—

8 (A) the Under Secretary of Commerce for
9 Oceans and Atmosphere (or the designee there-
10 of);

11 (B) a member of a recognized professional
12 surveying association or organization;

13 (C) a member of a recognized professional
14 mapping association or organization;

15 (D) a member of a recognized professional
16 engineering association or organization;

17 (E) a member of a recognized professional
18 association or organization representing flood
19 hazard determination firms;

20 (F) a representative of the United States
21 Geological Survey;

22 (G) a representative of recognized profes-
23 sional association or organization representing
24 State geographic information;

1 (H) a representative of State national flood
 2 insurance coordination offices;

3 (I) a representative of the Corps of Engi-
 4 neers;

5 (J) the Secretary of the Interior (or the
 6 designee thereof);

7 (K) the Secretary of Agriculture (or the
 8 designee thereof);

9 (L) a member of a recognized regional
 10 flood and storm water management organiza-
 11 tion;

12 (M) a member of a regulated lending insti-
 13 tution; and

14 (N) a member of a flood insurance serv-
 15 icing company.

16 (2) QUALIFICATIONS.—Members of the Council
 17 shall be appointed based on their demonstrated
 18 knowledge and competence regarding surveying, car-
 19 tography, remote sensing, geographic information
 20 systems, or the technical aspects of preparing and
 21 using flood insurance rate maps.

22 (c) DUTIES.—The Council shall—

23 (1) recommend to the Administrator how to im-
 24 prove in a cost-effective manner the—

1 (A) accuracy, general quality, ease of use,
2 and distribution and dissemination of flood in-
3 surance rate maps and risk data; and

4 (B) performance metrics and milestones
5 required to effectively and efficiently map flood
6 risk areas in the United States;

7 (2) recommend to the Administrator mapping
8 standards and guidelines for—

9 (A) flood insurance rate maps; and

10 (B) data accuracy, data quality, data cur-
11 rency, and data eligibility;

12 (3) recommend to the Administrator how to
13 maintain on an ongoing basis flood insurance rate
14 maps and flood risk identification;

15 (4) recommend procedures for delegating map-
16 ping activities to State and local mapping partners;

17 (5) recommend to the Administrator and other
18 Federal agencies participating in the Council—

19 (A) methods for improving interagency and
20 intergovernmental coordination on flood map-
21 ping and flood risk determination; and

22 (B) a funding strategy to leverage and co-
23 ordinate budgets and expenditures across Fed-
24 eral agencies; and

1 (6) submit an annual report to the Adminis-
2 trator that contains—

3 (A) a description of the activities of the
4 Council;

5 (B) an evaluation of the status and per-
6 formance of flood insurance rate maps and
7 mapping activities to revise and update flood in-
8 surance rate maps, as required under section 3;
9 and

10 (C) a summary of recommendations made
11 by the Council to the Administrator.

12 (d) CHAIRPERSON.—The members of the Council
13 shall elect 1 member to serve as the chairperson of the
14 Council (in this section referred to as the “Chairperson”).

15 (e) COORDINATION.—To ensure that the Council’s
16 recommendations are consistent, to the maximum extent
17 practicable, with national digital spatial data collection
18 and management standards, the Chairperson shall consult
19 with the Chairperson of the Federal Geographic Data
20 Committee (established pursuant to OMB Circular A–16).

21 (f) COMPENSATION.—Members of the Council shall
22 receive no additional compensation by reason of their serv-
23 ice on the Council.

24 (g) MEETINGS AND ACTIONS.—

1 (1) IN GENERAL.—The Council shall meet not
2 less frequently than twice each year at the request
3 of the Chairperson or a majority of its members,
4 and may take action by a vote of the majority of the
5 members.

6 (2) INITIAL MEETING.—The Administrator, or
7 a person designated by the Administrator, shall re-
8 quest and coordinate the initial meeting of the Coun-
9 cil.

10 (h) OFFICERS.—The Chairperson may appoint offi-
11 cers to assist in carrying out the duties of the Council
12 under subsection (c).

13 (i) STAFF.—

14 (1) STAFF OF FEMA.—Upon the request of the
15 Chairperson, the Administrator may detail, on a
16 nonreimbursable basis, personnel of the Federal
17 Emergency Management Agency to assist the Coun-
18 cil in carrying out its duties.

19 (2) STAFF OF OTHER FEDERAL AGENCIES.—
20 Upon request of the Chairperson, any other Federal
21 agency that is a member of the Council may detail,
22 on a non-reimbursable basis, personnel to assist the
23 Council in carrying out its duties.

24 (j) POWERS.—In carrying out this section, the Coun-
25 cil may hold hearings, receive evidence and assistance, pro-

1 vide information, and conduct research, as it considers ap-
 2 propriate.

3 (k) REPORT TO CONGRESS.—The Administrator, on
 4 an annual basis, shall report to the Committee on Bank-
 5 ing, Housing, and Urban Affairs of the Senate, the Com-
 6 mittee on Financial Services of the House of Representa-
 7 tives, and the Office of Management and Budget on the—

8 (1) recommendations made by the Council; and

9 (2) actions taken by the Federal Emergency
 10 Management Agency to address such recommenda-
 11 tions to improve flood insurance rate maps and flood
 12 risk data.

13 **SEC. 3. NATIONAL FLOOD MAPPING PROGRAM.**

14 (a) REVIEWING, UPDATING, AND MAINTAINING
 15 MAPS.—The Administrator, in coordination with the
 16 Technical Mapping Advisory Council established under
 17 section 2, shall establish an ongoing program under which
 18 the Administrator shall review, update, and maintain Na-
 19 tional Flood Insurance Program rate maps in accordance
 20 with this section.

21 (b) MAPPING.—

22 (1) IN GENERAL.—In carrying out the program
 23 established under subsection (a), the Administrator
 24 shall—

1 (A) identify, review, update, maintain, and
2 publish National Flood Insurance Program rate
3 maps with respect to—

4 (i) all areas located within the 100-
5 year floodplain;

6 (ii) all areas located within the 500-
7 year floodplain;

8 (iii) areas of residual risk (defined as
9 those areas with a 1 percent annual chance
10 of flood conditions) that have not pre-
11 viously been identified, including areas that
12 are protected by levees, dams, and other
13 man-made structures; and

14 (iv) areas that could be inundated as
15 a result of the failure of a levee, dam, or
16 other man-made structure;

17 (B) establish or update flood-risk zone
18 data in all such areas, and make estimates with
19 respect to the rates of probable flood caused
20 loss for the various flood risk zones for each
21 such area; and

22 (C) use, in identifying, reviewing, updat-
23 ing, maintaining, or publishing any National
24 Flood Insurance Program rate map required
25 under this section or under the National Flood

1 Insurance Act of 1968, the most accurate ele-
2 vation data available.

3 (2) MAPPING ELEMENTS.—Each map updated
4 under this section shall:

5 (A) GROUND ELEVATION DATA.—Assess
6 the accuracy of current ground elevation data
7 used for hydrologic and hydraulic modeling of
8 flooding sources and mapping of the flood haz-
9 ard and wherever necessary acquire new ground
10 elevation data utilizing the most up-to-date
11 geospatial technologies in accordance with the
12 existing guidelines and specifications of the
13 Federal Emergency Management Agency.

14 (B) DATA ON A WATERSHED BASIS.—De-
15 velop National Flood Insurance Program flood
16 data on a watershed basis—

17 (i) to provide the most technically ef-
18 fective and efficient studies and hydrologic
19 and hydraulic modeling; and

20 (ii) to eliminate, to the maximum ex-
21 tent possible, discrepancies in base flood
22 elevations between adjacent political sub-
23 divisions.

1 (C) OTHER DATA.—Include any other rel-
2 evant information as may be recommended by
3 the Technical Mapping Advisory Council.

4 (3) OTHER INCLUSIONS.—In updating maps
5 under this section, the Administrator shall make
6 available in digital technology on the website of the
7 Federal Emergency Management Agency—

8 (A) any relevant information on coastal in-
9 undation from—

10 (i) an applicable inundation map of
11 the Corps of Engineers; and

12 (ii) data of the National Oceanic and
13 Atmospheric Administration relating to
14 storm surge modeling;

15 (B) any relevant information of the United
16 States Geological Survey on stream flows, wa-
17 tershed characteristics, and topography that is
18 useful in the identification of flood hazard
19 areas, as determined by the Administrator;

20 (C) any relevant information on land sub-
21 sidence, coastal erosion areas, and other flood-
22 related hazards; and

23 (D) any other relevant information as may
24 be recommended by the Technical Mapping Ad-
25 visory Council.

1 (c) STANDARDS.—In updating and maintaining maps
2 under this section, the Administrator shall—

3 (1) establish standards to—

4 (A) ensure that maps are adequate for—

5 (i) flood risk determinations; and

6 (ii) use by State and local govern-
7 ments in managing development to reduce
8 the risk of flooding; and

9 (B) facilitate identification and use of con-
10 sistent methods of data collection and analysis
11 by the Administrator, in conjunction with State
12 and local governments, in developing maps for
13 communities with similar flood risks, as deter-
14 mined by the Administrator; and

15 (2) publish maps in a format that is—

16 (A) digital geospatial data compliant;

17 (B) compliant with the open publishing
18 and data exchange standards established by the
19 Open Geospatial Consortium; and

20 (C) compliant with the North American
21 Vertical Datum of 1988 for new hydrologic and
22 hydraulic engineering.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Administrator to

1 carry out this section \$400,000,000 for each of fiscal
2 years 2008 through 2013.

3 **SEC. 4. COORDINATION.**

4 (a) INTERAGENCY BUDGET CROSSCUT REPORT.—

5 (1) IN GENERAL.—The Secretary of Homeland
6 Security, the Administrator, the Director of the Of-
7 fice of Management and Budget, and the heads of
8 each Federal department or agency carrying out ac-
9 tivities under this Act shall work together to ensure
10 that flood risk determination data and geospatial
11 data are shared among Federal agencies in order to
12 coordinate the efforts of the Nation to reduce its
13 vulnerability to flooding hazards.

14 (2) REPORT.—Not later than 30 days after the
15 submission of the budget of the United States Gov-
16 ernment by the President to Congress, the Director
17 of the Office of Management and Budget, in coordi-
18 nation with the Federal Emergency Management
19 Agency, the United States Geological Survey, the
20 National Oceanic and Atmospheric Administration,
21 the Corps of Engineers, and other Federal agencies,
22 as appropriate, shall submit to the appropriate au-
23 thorizing and appropriating committees of the Sen-
24 ate and the House of Representatives a financial re-
25 port, certified by the Secretary or head of each such

1 agency, an interagency budget crosscut report that
2 displays the budget proposed for each of the Federal
3 agencies working on flood risk determination data
4 and related digital elevation models, including any
5 planned interagency or intraagency transfers.

6 (b) DUTIES OF THE ADMINISTRATOR.—In carrying
7 out this Act, the Administrator shall—

8 (1) participate, pursuant to section 216 of Pub-
9 lic Law 107–347 (116 Stat. 2945), in the establish-
10 ment of such standards and common protocols as
11 are necessary to assure the interoperability of
12 geospatial data for all users of such information;

13 (2) coordinate with, seek assistance and co-
14 operation of, and provide liaison to the Federal Geo-
15 graphic Data Committee pursuant to Office of Man-
16 agement and Budget Circular A–16 and Executive
17 Order 12906 for the implementation of and compli-
18 ance with such standards;

19 (3) integrate with, leverage, and coordinate
20 funding of, to the maximum extent practicable, the
21 current flood mapping activities of each unit of
22 State and local government;

23 (4) integrate with, leverage, and coordinate, to
24 the maximum extent practicable, the current

1 geospatial activities of other Federal agencies and
 2 units of State and local government; and

3 (5) develop a funding strategy to leverage and
 4 coordinate budgets and expenditures, and to estab-
 5 lish joint funding mechanisms with other Federal
 6 agencies and units of State and local government to
 7 share the collection and utilization of geospatial data
 8 among all governmental users.

9 **SEC. 5. REMOVAL OF LIMITATION ON STATE CONTRIBU-**
 10 **TIONS FOR UPDATING FLOOD MAPS.**

11 Section 1360(f)(2) of the National Flood Insurance
 12 Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking
 13 “, but which may not exceed 50 percent of the cost of
 14 carrying out the requested revision or update”.

15 **SEC. 6. INTERAGENCY COORDINATION STUDY.**

16 (a) IN GENERAL.—The Administrator shall enter
 17 into a contract with the National Academy of Public Ad-
 18 ministration to conduct a study on how the Federal Emer-
 19 gency Management Agency—

20 (1) should improve interagency and intergovern-
 21 mental coordination on flood mapping, including a
 22 funding strategy to leverage and coordinate budgets
 23 and expenditures; and

24 (2) can establish joint funding mechanisms with
 25 other Federal agencies and units of State and local

1 government to share the collection and utilization of
2 data among all governmental users.

3 (b) TIMING.—Not later than 1 year after the date
4 of enactment of this Act, the National Academy of Public
5 Administration shall report the findings of the study re-
6 quired under subsection (a) to the—

7 (1) Committee on Banking, Housing, and
8 Urban Affairs of the Senate;

9 (2) Committee on Financial Services of the
10 House of Representatives;

11 (3) Committee on Appropriations of the Senate;
12 and

13 (4) Committee on Appropriations of the House
14 of Representatives.

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